



MONTGOMERY McCRACKEN

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September 18, 2015

Hon. Henry B. Pitman
U.S. Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Via ECF
Courtesy copy via facsimile: 212-805-6111

Re: *In re M/V MSC FLAMINIA*
USDC/SDNY 12 Civ. 8892(SAS)

Dear Judge Pitman:

We are the attorneys for the plaintiffs Conti and NSB in this action. Judge Scheindlin had ordered this case to Magistrate Maas for settlement conference on September 28 and by order of September 14, 2015 this case was re-assigned to Your Honor. Your Honor's procedure for a settlement conference calls for the attendance of representatives of the parties and their liability insurers unless excused.

We are now in receipt of an application by the other parties in this case requesting that their clients be excused from the upcoming conference for various reasons, primarily because they do not believe that this case is yet in a posture with respect to pre-trial discovery to conduct productive settlement discussions.

For the record, the plaintiffs Conti and NSB do not consent to this proposal and believe that the settlement conference should go forward with representatives of the parties and their insurers. While we understand the parties' concern that this conference may not result in a settlement, we believe that any settlement will involve an ongoing process that has to begin somewhere and now is the time to start.

In any event, we are in agreement with the other parties that we would all greatly appreciate it if a decision on this application can be made as soon as possible so that the many out-of-town witnesses have sufficient time to make or change travel plans accordingly.

Montgomery McCracken Walker & Rhoads LLP

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Thank you for your consideration.

Respectfully yours,

/s/ Eugene J. O'Connor

Eugene J. O'Connor

cc:

All Counsel of Record
Via ECF and Email